

**BOARD OF APPEALS CASE NO. 5075**

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**BEFORE THE**

**APPLICANT: Mark Motes**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct a dwelling  
41 feet high in the Agricultural District;  
1810 Sparks Drive, Forest Hill**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

**HEARING DATE: September 25, 2000**

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**Aegis: 8/16/00 & 8/23/00**

**Record: 8/18/00 & 8/25/00**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Mark Motes, is seeking a variance to the provisions of the Harford County Code, Section 267-34C, Table II, to allow a private residence to exceed the height restriction of 35 feet in an AG District (41 feet requested).

The subject parcel is located at 1810 Sparks Drive, Forest Hill, Maryland 21050 and is more particularly identified on Tax Map 39, Grid 1F, Parcel 50. The property consists of 3.47 acres, is zoned AG/Agricultural, and is entirely within the Fourth Election District.

The Applicant appeared and testified that his property is a severely sloped lot. Because of the slopes, the home design lends itself to a rear walkout basement. Like other properties with walkouts, this design changes the point at which the height is measured. The proposed height of this home will be 41 feet, although the front of the house will be no higher than a house without the walkout and well within County guidelines. The Applicant did not feel that the grant of the variance would materially impair the purpose of the zoning code or materially impact any adjoining property owners. He indicated that his proposed house is 900 feet from his rear neighbor's home and that those two properties are divided by a small hill and woodlands. He did not think any of his new home would be visible. Since the front of the house is unchanged as a result of the variance no impact will result to neighbors viewing the front of the proposed home.

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The Department of Planning and Zoning concurs with the Applicant and recommends approval of the request. Mr. Anthony McClune testified for the Department of Planning and Zoning. Mr. McClune indicated that, although the lot is rather large, it is a sloped lot and contains a large forest retention area and a septic reserve area that constrains the actual homesite location. In Mr. McClune's opinion, the topographical features present on this lot are unique and act to create the necessity for the variance. The only alternative for the Applicant is to truck in large amounts of fill dirt which would reduce the height but make a walkout (in fact any basement exit) impractical.

### **CONCLUSION:**

The Applicant is seeking a minor height variance of 6 feet, pursuant to Section 267-34C, Table II, of the Harford County Code.

Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner finds that the subject property has unique topographical conditions which contribute to the necessity of this request. No adverse impacts will result to neighboring properties and the purposes of the Zoning Code will not be impaired. This is a minor variance and approval is recommended subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date OCTOBER 26, 2000

William F. Casey  
Zoning Hearing Examiner